

## **REMARKS/ARGUMENTS**

### **1. Claim Rejections – 35 U.S.C. § 103 (a)**

#### **In this Non-Final Office Action, the Examiner stated:**

Due to a bookkeeping oversight, the applicant inadvertently received a draft copy of the previous rejection in the stead of the completed copy. Despite this oversight, the arguments filed 08/12/2009, have been considered and are deemed to be persuasive. Specifically after a deeper reading of the previously cited references, there appears to be limited (if any) motivation for combining the previously cited references and thus a new grounds of rejection is provided above. The outstanding arguments are thus considered moot in light of the new grounds of rejection provided above.

Claims 22-42 stand rejected under 103(a) as being unpatentable over Crudele et al. (U.S. 2002/0099726) in view of McCuller (U.S. 2007/0168708). Applicant notes that the earliest priority date of the present application is November 19, 2003. The present application is a national stage application with an International Filing Date of October 14, 2004 (PCT/EP2004/011500). The filing date of McCuller is December 22, 2005. Hence, McCuller is not competent prior art against the present invention. Therefore, the allowance of claims is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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